



Handwritten signatures and initials.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 MJ 8580

UNITED STATES OF AMERICA,)
) Magistrate Case No.:
)
 Plaintiff,) COMPLAINT FOR VIOLATION OF
)
 v.) 21 U.S.C. § 952 and 960
) Importation of a Controlled
) Substance (Felony)
)
 Francisco HERNANDEZ-Gale,)
)
 Defendant.)

The undersigned complainant being duly sworn states:

That on or about June 29, 2008, within the Southern District of California, defendant Francisco HERNANDEZ-Gale, did knowingly and intentionally import approximately 45.72 kilograms (100.58 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Section 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Handwritten signature of Paul Lewenthal
Paul Lewenthal, Senior Special Agent
U.S. Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence this 30th day of June 2008.

Handwritten signature of Peter C. Lewis
PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA
2 v.
3 Francisco HERNANDEZ-Gale

4 STATEMENT OF FACTS

5 This complaint is based on the reports, documents, and notes
6 furnished to U.S. Immigration and Customs Enforcement Special
7 Agent Paul Lewenthal.

8 On June 29, 2008, at approximately 0925 hours, Francisco
9 HERNANDEZ-Gale attempted to enter into the United States at the
10 Calexico, California, West Port of Entry, from the Republic of
11 Mexico. HERNANDEZ was the driver and sole occupant of a 2003
12 Chevrolet Blazer bearing Baja California, Mexico license plates
13 BDR2345.
14

15 Customs and Border Protection Officer (CBPO) L. Garcia was
16 conducting primary inspection duties when he encountered
17 HERNANDEZ. HERNANDEZ and the vehicle were referred to secondary
18 inspection for further inspection.
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20 In secondary inspection, CBPO Tarin asked HERNANDEZ who the
21 vehicle belonged to and where he was going. HERNANDEZ told CBPO
22 Tarin the vehicle belonged to his brother-in-law and that he was
23 en route to "Roberto's" to work. CBPO Tarin asked HERNANDEZ to
24 exit the vehicle.

25 Canine Enforcement Officer (CEO) Alba was conducting a
26 secondary lot inspection with his canine and inspected HERNANDEZ'
27 vehicle. The canine gave a positive alert to the rear tires.
28 HERNANDEZ was escorted into the secondary inspection office.
29

1 CBPO Tarin checked the vehicle tires using a "Buster". The
2 "Buster" gave unusually high readings. CBPO Tarin punctured a
3 tire revealing plastic wrapped packages. A contractor removed all
4 four tires. CBPO Tarin located and removed a total of twenty-five
5 (25) packages from the rear tires and the front passenger tire. A
6 package was probed by CBPO Tarin revealing a green leafy
7 substance, which field-tested positive for marijuana. The total
8 weight of the marijuana packages was 45.72 kilograms (100.58
9 pounds).

10 HERNANDEZ was arrested for importation of marijuana into the
11 United States. HERNANDEZ was advised of his rights, in Spanish,
12 by Special Agent P. Lewenthal. HERNANDEZ stated he understood his
13 rights and agreed to answer questions without the presence of an
14 attorney. HERNANDEZ admitted knowledge of the marijuana concealed
15 in the vehicle stating he was going to be paid \$500.00 to smuggle
16 the marijuana to Calexico, California.

17 HERNANDEZ was transported to the Imperial County Jail to
18 await his Initial Appearance before a U. S. Magistrate Judge in
19 El Centro, California.
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